

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DIANA LYNN SANABRIA,

Plaintiff,
-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

DISABILITY
ADJUDICATION
BY THE MAGISTRATE JUDGE
SARAH MANGANO
DATE FILED: 3/31/2022

20 CIVIL 906 (DF)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum and Order dated March 31, 2022, Plaintiff's motion for judgment on the pleadings is granted to the extent it seeks remand to the SSA for further proceedings, and Defendant's cross-motion for judgment on the pleadings is denied. Upon remand, the ALJ is directed (1) To develop the Record by obtaining a functional assessment of Plaintiff's mental impairments from a treating psychiatrist, or, if necessary, a consulting mental health professional; (2) To reweigh the medical opinion of Plaintiff's treating physician, Dr. Antar, in accordance with the treating physician rule, particularly as that opinion relates to Plaintiff's sit/stand ability, her need for frequent breaks, and her need for a certain number of absences from work per month, and to give "good reasons" for discounting any aspect of that opinion; and (3) To reassess Plaintiff's RFC in light of (1) and (2) above, and after giving due consideration to Plaintiff's subjective complaints of pain and of mental limitations, and to recall the VE, if necessary, to make the disability determination based on the reassessed RFC.

Dated: New York, New York

March 31, 2022

RUBY J. KRAJICK

BY: *K Mangano*
Clerk of Court
Deputy Clerk